

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, AUGUST 10, 2009, AT 10:00 A.M.**

Judge Beard called this meeting to order. Officers present are listed as follows:

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|----------------------------|----------------------------|
| VAL CLARK BEARD | COUNTY JUDGE |
| ASA STONE | COMMISSIONER PCT. 1 |
| KATHY KILLINGSWORTH | COMMISSIONER PCT. 2 |
| RUBEN ORTEGA | COMMISSIONER PCT. 3 |
| MATILDE PALLANEZ | COMMISSIONER PCT. 4 |
| CAROL OFENSTEIN | TREASURER |
| BETTY JO ROONEY | TAX ASSESSOR |
| BERTA RIOS MARTINEZ | COUNTY CLERK |

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

No minutes were presented for approval.

3. Treasurer

A. General Bills / Discussion and appropriate action

Commissioner Ortega made a motion to accept the bills as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.

Judge Beard abstained from 5110.

Two walk-in bills were presented: the first for Vick's Plumbing, \$151.55, and the other for a \$6.55 shortage on the last bill from Mayfield Paper for the jail.

Commissioner Ortega made a motion to approve the walk-in bills, which was seconded by Commissioner Killingsworth, and passed unanimously.

B. Infrastructure Projects Bills / Discussion and appropriate action

Treasurer Ofenstein said there is a \$300 bill for portable restrooms down south.

Action on this item was included in Item A.

C. Other administrative matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's office to go forward

4. Officials' Monthly Reports / approval

Commissioner Stone read the monthly reports for the record.

Commissioner Killingsworth made a motion to approve the reports, which was seconded by Commissioner Pallanez, and passed unanimously.

5. Alpine Public Library Board / Report to Commissioners on new library project recent activities, capital campaign and related issues / Discussion and appropriate action

Mary Jane Morgan, the vice president of the Alpine Public Library Board, gave the report. She also introduced the new director, Paige Delaney.

Mrs. Morgan thanked the Commissioners for the County's annual appropriation to the library.

Mrs. Delaney, said Mrs. Morgan, is calling the new slab a "gleaming beacon." Mrs. Morgan said that is fitting because it is a beacon to the public that the library is on its way toward a new building.

Mrs. Morgan said civic clubs have donated and/or sponsored many portions of the library and the capital campaign. All of the library's staff and board members have made contributions.

The economy, she said, is working against the campaign. However, there is the possibility of a large individual gift and grant money from the federal government. The board plans to purchase the most efficient HVAC system possible with those funds. However, if they do come, it won't be until Spring 2010.

Mrs. Morgan said they hope to have the new library available for the public in the next couple of years.

Mrs. Delaney then explained to Commissioners how the County's annual appropriation is used.

She also said the library received a grant last year to update the circulation system.

She outlined the library budgets for both Alpine and Marathon, and said they continue to write grants for new books and for technology.

She said they are working hard on grants to procure new books to make sure the shelves are filled in the new building.

6. Road & Bridge Department / Community Facilities

A. Road & Bridge Superintendent's Report

General updates on maintenance and repairs for all county roads; road

materials including, fuel, supplies including usage & inventories & future needs; equipment including heavy equipment, (maintenance repairs, future needs, replacement and additions), pickups, trailers and other light vehicles and accessories, and small equipment, (usage, future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, performance and safety)

Commissioner Stone said crews are continuing onward with the work outlined in previous meetings.

B. TxDot Border Colonia Access Paving Grant / General Update / Discussion and appropriate action

Commissioner Killingsworth said she had no news.

C. Discussion and appropriate action for general work of Road & Bridge Department to go forward

7. Emergency Management Department

A. General Report including:

Recent emergency responses; emergency planning update; recent work with cooperating emergency responders: (ESD #1, all VFD's and EMS); update on needs, programs, training, recent work with other governmental entities; equipment for emergency response and updates regarding needs, maintenance, repairs, replacement and additions; and personnel issues related to emergency response / Discussion and appropriate action

EMC Tom Santry said there have been very few fires. However, lightning did start a fire on South Hwy. 118, but it was extinguished very quickly.

He has had a request for a mass gathering permit from the Chili Cook-off people. He sent them the information. Commissioner Killingsworth asked if both sites had applied, and Mr. Santry said they had.

Certificates will be audited to make sure the County is 100 percent compliant with NIMS. Homeland Security grant funding is partly based on that compliance.

B. Daily Stipends for volunteer emergency responders who undertake training / Discussion concerning eligibility for and amount of stipend / Discussion and appropriate action to put stipend program in place

Mr. Santry said he is suggesting \$45 per day. Most training is 1-2 days, but he said there is one training in September that is 4 days long. For the six people planning to come to the September training, it will cost \$1,080 for 4 days.

Commissioner Ortega said he thinks that amount is more than reasonable.

Commissioner Ortega made a motion to accept the proposal, which was seconded by Commissioner Stone.

Mr. Santry will determine whether or not training is suitable for the stipend. This program will deal mostly with volunteer firemen throughout the County.

The motion passed unanimously.

C. Homeland Security Grants

1. Update

Mr. Santry said we are just now finishing with 2007. He explained the timeline and amounts for 2008 and 2009.

Treasurer Ofenstein said all of the equipment purchased with this grant is on the County's books for three years, after which it can be given to the entity which uses it. Her office is in the process of tagging all of the equipment.

2. Need for item not funded by Homeland Security (ladder for Terlingua VFD) / Discussion and appropriate action

Mr. Santry said the Marathon VFD asked for a ladder that will reach the top of the school and the Gage Hotel. He approved the request; however, the State wrote to Mr. Santry and said a ladder is not an eligible purchase.

The cost was \$3,342. He would like to take it out of his budget.

Commissioner Stone made a motion to authorize the purchase, which was seconded by Commissioner Ortega, which passed unanimously.

Judge Beard said she believes this will continue to happen, even more frequently than it has in the past.

Reimbursement from the State is getting slower and slower, and so the County is out several thousands of dollars, sometimes for months at a time. The Treasurer's Office is working on the matter.

D. Other matters related to Emergency Management Department / Discussion and appropriate action to go forward with work of Department

8. Pending Infrastructure Grant Matters

A. Colonia Construction Fund Application / (2nd Septic Tank Replacement Grant Application for S. Brewster County)

1. Update

Grant Administrator Jerry Carvajal said the application was submitted for 50 septic systems. The application is still under review.

The applications are reviewed to make sure they're complete, and then they are scored by ORCA. It takes a while because they are short-staffed, and also because they are still dealing with hurricane recovery funds from last year.

2. General administrative matters related to application for grant / Discussion and appropriate action to go forward with grant application and program

B. 2007 ORCA Infrastructure Grant / Discussion and appropriate action / Study Butte Water Corp. Improvements

1. Update & General Administrative Matters regarding grant

The construction contracts with Blue Water have been prepared. TCEQ has requested some additional information on the tank before they approve it. The contract cannot be signed until approval is received from TCEQ.

2. Study Butte Water Corporation Tank Project

- a. General update on progress**
- b. Purchase and installation of tank / Update**
- c. Discussion and appropriate action for project to go forward**

C. 2009/2010 ORCA, Rural Community Affairs Grant Program

1. Update

The County received a letter that they have been approved for \$234,859, although Mr. Carvajal said that could increase by about \$90,000 in funds which have been freed up because of stimulus funding flowing into other projects.

Judge Beard said after a letter was sent, ORCA has agreed to keep the money in the region.

It will be up to the Court to decide what the money is used for.

Mr. Carvajal said that at the next available meeting, Commissioners can choose the engineer and administrator.

2. Discussion and appropriate action to go forward with Grant

9. County Party Chairs' Nominations for Precinct Election Judges / Discussion and appropriate action

Judge Beard said the nominations aren't ready, yet. She will continue to place this item on the agenda until a list comes forward. It is difficult to get people for these positions.

10. Pending Community/ Public Safety Infrastructure Projects / Discussion and appropriate action to go forward with all projects, including:

Major Projects:

South County Emergency Response Center (Housing for Terlingua Medics, Terlingua VFD, Deputy, J.P. & related support space)

Alpine/N. Brewster County Area Emergency Response Center (Fire Station for Alpine VFD & Brewster County Emergency Operations Center)

Marathon Law Enforcement Facility (Housing for Deputy, J.P. Pct. 3 & training room),

Brewster County Jail Renovation

Construction Assistance for Alpine Public Library, a non profit corporation

Smaller Projects:

Vehicle & Equipment Storage Building (shed design) for South Brewster County on 23221 FM 170, near Terlingua & Study Butte, covered outdoor area for Marathon Town Square Repairs & Modifications to Old County Library Building, 203 N. 7th Street, Alpine, Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center

A. Project Updates

1. Marathon Justice Center / Discussion and appropriate action to go forward with project

a. Update on framing and dry in

Judge Beard said framing is starting very shortly; Commissioner Ortega said they are hoping for Wednesday.

b. Discussion and appropriate action to go forward with project

2. Alpine VFD Fire Station

a. Update on site preparation, forming up, utilities work, permitting, communications systems & related matters

Commissioner Ortega said somebody needs to check on the Alpine site; he said he thinks water is going to run through the "sally port." Judge Beard said she will look into it, but that Steven Walker, the County Surveyor, shot the elevations as required.

Judge Beard said a permitting glitch has been resolved.

b. Discussion and appropriate action to go forward with project

3. South County Emergency Response Center

a. Update

b. Utility and communications work as related to ERC / Update

Commissioner Killingsworth said the easement needs to be signed, and she will work with Travis Roberts on that. She talked with Nolan about moving the water meter from the middle of the driveway.

c. Helipad Design & Construction / Update

Judge Beard said a fly-in needs to be done to determine where to put the helipad so that it's clear of power lines and utilities. Commissioner Killingsworth said there are also power lines on the top of the bluff on the north side. Those lines need to be marked.

d. Discussion and appropriate action to go forward with project

4. Brewster County Jail Renovations

a. General Update on work including HVAC, electronics and other systems

Judge Beard said HVAC is done. The console is still not in, but as soon as it is, most of the jail work will be completed.

b. Discussion and appropriate action to go forward with and complete jail renovations

5. Alpine Public Library / Construction for Alpine Public Library, a non profit organization / Update / Discussion and appropriate action to go forward with construction

Judge Beard said they are very close to having the available funds to continue on the Phase 2, which is the dry-in.

11. Public Comment

No public comment was made.

12. Interim Legislative Charges / Texas House and Senate / Discussion and appropriate action to identify County issues which should receive interim study by House & Senate

Judge Beard said she wanted Commissioners to consider what can be done for the County in between Legislative sessions.

13. District Clerk / Personnel Issues

A. Executive Session Pursuant to Section §551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee

At 10:50 a.m., Judge Beard called an executive to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee, pursuant to Section §551.074. The courtroom was cleared.

Reconvene in Open Session

At 11:00 a.m., Commissioners reconvened in open session. Judge Beard said they had been in executive session to discuss personnel issues, pursuant to Section §551.074. Judge Beard asked Commissioners if they wished to take any action. No action was taken.

B. Discussion and appropriate action resulting from Executive Session

RECESS

14. 2010 Budget Workshop / Discussion of all aspects of County revenues and expenditures as related to 2010 Budget

Judge Beard thanked Treasurer Ofenstein for her patience during the budget process.

She said that if the budget Commissioners had in hand is not the proposed budget, it is exceptionally close.

Judge Beard said that with this budget, a small tax rate decrease is possible. She asked Mrs. Ofenstein to explain.

She asked Commissioners to look at the effective tax rate. It will provide a six percent increase over last year.

If it is taken down to .3313, it would provide a buffer of \$7,246.

Judge Beard said she believes she is going to file the proposed budget, unless Commissioners object to anything.

Mrs. Ofenstein then reviewed the revenue and expenses, debt, salaries, etc.

Judge Beard said she is going to append several notes to the budget. One of the most significant will deal with the Sheriff's budget, which will note that the funding included in the County's budget is hardly the total. That office receives significant amounts of grant funding.

Judge Beard said, at this point, the Budget Officer proposes the budget. She said that what has been presented today will be filed as the proposed budget. It will stay on file for a few weeks before any action is taken. She said it is likely the final product.

15. Proposed 2010 County Elected Officials Salaries / Discussion and appropriate action to propose elected salaries

Judge Beard said the County is required to publish the salaries of elected officials, including supplements and allowances.

Commissioner Stone made a motion to approve the proposed salaries, which was seconded by Commissioner Killingsworth, and passed unanimously.

16. Reconfirm time line for matters related to budget and adoption of tax rate

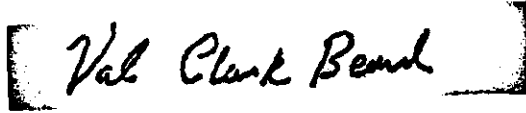
Judge Beard said a called meeting to propose the tax rate is scheduled for tomorrow morning. The budget will be filed either later today or tomorrow. She also reviewed the schedule for publications and hearings. A back-up meeting is scheduled for Sept. 4 in case of a mistake in publication, etc.

Commissioner Stone made a motion to adopt the schedule, which was seconded by Commissioner Pallanez, and passed unanimously.

SUPPLEMENTAL AGENDA

1. Recognize the Way Out West Book Festival and Big Bend Ranch Rodeo

Commissioner Stone made a motion to recognize the two events, which was seconded by Commissioner Pallanez, and passed unanimously.

A handwritten signature in cursive script that reads "Val Clark Beard". The signature is enclosed within a rectangular box that has a slightly irregular, hand-drawn appearance.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

A handwritten signature in cursive script that reads "Berta Rios Martinez". The signature is written over a horizontal line, and below the line, the name and title are printed in a bold, sans-serif font.
BERTA RIOS MARTINEZ, COUNTY CLERK